

In re Patent Application of:  
**KARL GUENTHER, et al**  
Serial No. **10/685,300**  
Filing Date: **10/14/2003**

---

### **Remarks**

Applicant and the undersigned would like to thank the Examiner for his efforts and guidance provided in the examination of this application, and for the allowability of claims 18, 29-33, 42-45, and 57. Claims 1-59 remain in the case. New claims 60-87 are added by this amendment.

Claims 1-17, 19-23, 25-28, and 46-59 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 3,861,315 to Rypinski. Claims 24, 54, and 58 were rejected under 35 USC §103(a) as being unpatentable over Rypinski '315. Claims 18, 29-33, 42-45, and 57 were found to be allowable if rewritten in independent form including all limitations of the appropriate base claim and any intervening claims. No specific reason for rejection of claims 34-41 is made. However, claims 34-41 have been identified as being rejected in the Office Action Summary. Applicant and undersigned proceeded with the understanding that the Examiner felt that claims 34-41 as originally filed were unpatentable over Rypinski '315 under 35 USC §103(a).

As above presented, independent claims 1, 11, and 38 have been amended to more clearly distinguish rotation of the car body over prior art teachings and now include the limitation including the car body having a floor surface for carrying a load thereon, wherein the floor surface moves from a horizontal orientation to a tilted orientation during operation of the carrying vehicle along a curved portion of the running surface so as to result in a pendulum like movement of the floor surface and thus the load.

Independent method claim 46 also amended to have the same limitation added. Such a limitation is fully supported in the specification as originally filed, details of which may be found in paragraph 56 in the originally filed specification (note it to be paragraph 58 in the application publication), by way of example. With such a limitation and clarification, it is also felt that claims 2-10, 12-37, 39-45, and 47-59 depending from 1, 11, 38, and 46

In re Patent Application of:  
**KARL GUENTHER, et al**  
Serial No. **10/685,300**  
Filing Date: **10/14/2003**

---

respectfully, with each adding further limitations, also distinguish over the prior art.

Allowable subject matter identified by the Examiner has been presented in new claims 60-82. Independent new claims 60 and 68 includes the features of originally filed claims 11 and 1, respectively, plus the feature of the truck having wheel pairs synchronized and tapered for self centering while rolling along the track as presented in allowable claim 18. Independent new claim 73 includes the features of originally filed claims 38-40 plus the allowable claim 42. Independent new claim 78 includes the features of originally filed claims 38-40 plus the allowable claim 45. Dependent claims 64-67 depending from new claim 60 include subject matter fully supported by the specification as originally filed, detailed in Paragraph 75 of the application publication, by way of example. New dependent claims 61-67, 69-72, 74-77, and 79-82 depending from claims 60, 68, 73, and 78 respectively, add further limitations and are therefore felt to distinguish over the prior art. No new matter is added by this amendment.

With regard to the use of the term "superelevation," or equivalents, reference is made to [www.trackplanning.com/superelevation.htm](http://www.trackplanning.com/superelevation.htm) defining superelevation as having one rail in a rail pair higher than the other. The specification supports the standard use of superelevation. As indicated in the specification as originally filed (see paragraph 16), a car body that is suspended swings back to the vertical position when brought to a standstill on a curve. Passengers feel no discomfort at standstill. Thus, passenger comfort does not govern the permissible super-elevation of the track or roadway above. The permissible super-elevation is governed by the limit of friction between the wheels and the running surface, so that, the wheels do not slide down towards the low side at standstill. Controlling factors limiting achievable superelevations on curves are applied to the combination of a carrying vehicle in the duct with a car body suspended beneath from those controlling bottom-supported vehicles. There are unexpected results using superelevation in suspended car bodies resulting from the teachings of the present invention. New claims 83-87 are added to more clearly address such features.

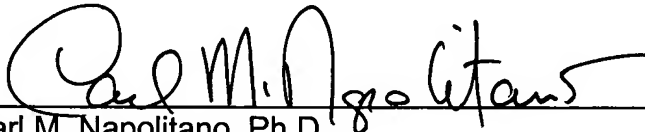
In re Patent Application of:  
**KARL GUENTHER, et al**  
Serial No. 10/685,300  
Filing Date: 10/14/2003

---

Paragraph numbering as presented in the specification as originally filed appears to have been corrected by the Office and properly presented in the application publication. Applicants and undersigned are proceeding with an understanding that no further amending of the specification is needed.

Applicant respectfully submits that the above amendments place this application in a condition for allowance, and passage to issue is respectfully solicited. The Applicant and the undersigned would like to again thank the Examiner for his efforts in the examination of this application and for reconsideration of the claims now in the case. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



Carl M. Napolitano, Ph.D.

Reg. No. 37,405

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.

255 South Orange Avenue, Suite 1401

P.O. Box 3791

Orlando, Florida 32802

(407) 841-2330

Agent for Applicant

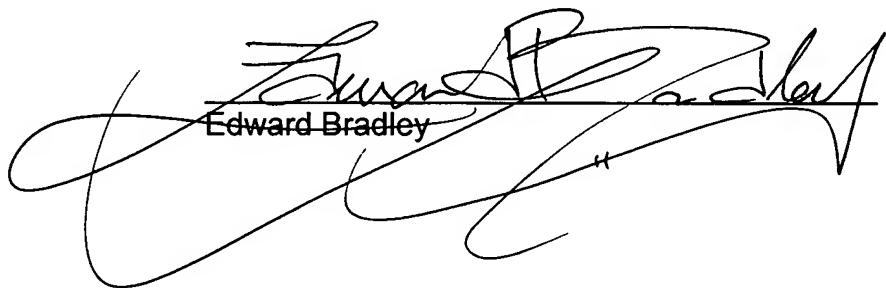
In re Patent Application of:  
**KARL GUENTHER, et al**  
Serial No. 10/685,300  
Filing Date: 10/14/2003

---



**CERTIFICATE OF MAILING**

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 30th day of November, 2004.

  
Edward Bradley